

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

**OMAR HERNANDEZ AND
IVAN GERARDO VALDIVIEZO**

VS.

**MINN LOGISTICS, INC., AND
CLARENCE GUY**

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CIVIL ACTION NO. _____

JURY TRIAL REQUESTED

**DEFENDANTS, MN LOGISTICS, INC. (INCORRECTLY NAMED AS
MINN LOGISTICS, INC.) AND CLARENCE GUY'S NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendants, MN LOGISTICS, INC. (incorrectly named as MINN LOGISTICS, INC.) and CLARENCE GUY, file this Notice of Removal pursuant to 28 U.S.C. §§1441 and 1446, showing the following basis for removal.

INTRODUCTION

1. Plaintiffs, OMAR HERNANDEZ and IVAN GERARDO VALDIVIEZO, filed Plaintiffs' Original Petition against Defendants on January 7, 2015, under Cause No. 2015DCV0037, pending in the 168th Judicial District Court, El Paso County, Texas. Citations upon the Defendants were issued on February 9, 2015.

2. Defendant, MN LOGISTICS, INC. was served with Plaintiffs' Original Petition through its registered agent on February 24, 2015.

3. Defendant, CLARENCE GUY was served with Plaintiffs' Original Petition on February 27, 2015.

4. This original Notice of Removal is filed within thirty days of service upon Defendants, the statutory period for removal as required under 28 U.S.C. §1446(b).

JURISDICTION

5. This court has removal jurisdiction over this lawsuit pursuant to 28 U.S.C. §§1441 and 1446, and based upon diversity of citizenship under 28 U.S.C. §1332. Plaintiff OMAR HERNANDEZ is domiciled in Texas and is a resident of that state. Plaintiff IVAN VALDIVIEZO is domiciled in Texas and is a resident of that state. Defendant MN LOGISTICS, INC. is incorporated in the State of Minnesota with its principal place of business in St. Anthony, Minnesota, and is therefore a citizen of that state. Defendant CLARENCE GUY is domiciled in the State of California and is a resident of that state.

6. Consistent with TEX. R. CIV. P. 47, Plaintiffs seek monetary relief for more than \$1,000,000.00 in damages in their Original Petition. Plaintiff OMAR HERNANDEZ alleges the following elements of damages: past and future medical care and expenses; past and future pain and suffering; past and future physical impairment; loss of earnings in the past and loss of earning capacity in the future; past and future loss of household services; disfigurement in the past; past and future mental anguish; fear of future disease or condition; and cost of medical monitoring and prevention in the future. Plaintiff IVAN VALDIVIEZO alleges the following elements of damages: past and future medical care and expenses; past and future pain and suffering; past and future physical impairment; loss of earnings in the past and loss of earning capacity in the future; past and future loss of household services; disfigurement in the past; past and future mental anguish; fear of future disease or condition; and cost of medical monitoring and prevention in the future. Therefore, based on information and belief of Defendants herein, Plaintiffs are seeking damages in excess of this court's jurisdictional minimum of \$75,000.00, excluding interest and costs.

7. All pleadings, process, orders, and other filings in the state court action in the possession of Defendants are attached to this notice as required by 28 U.S.C. §1446(a).

8. Venue is proper in this district under 28 U.S.C. 1391(b)(2) because the sole basis for Plaintiffs' suit and claim for damages arose from a motor vehicle accident which happened on Interstate 10 in Hudspeth County, Texas.

9. Defendants will promptly file a copy of this Notice of Removal with the clerk of the state court where the action has been pending.

JURY DEMAND

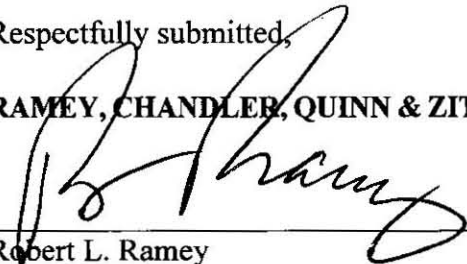
10. Defendants hereby make a demand for a jury trial.

CONCLUSION

For these reasons, MN LOGISTRICS, INC. and CLARENCE GUY, therefore give notice of their removal of this lawsuit to this Court, and an automatic stay of further proceedings in state district court.

Respectfully submitted,

RAMEY, CHANDLER, QUINN & ZITO, P.C.




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**ATTORNEYS FOR DEFENDANTS,
MN LOGISTICS, INC. (incorrectly named
as MINN LOGISTICS, INC.) AND
CLARENCE GUY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of *Defendants' Notice of Removal* has been served upon all counsel of record, in accordance with the rules on this 19 day of March, 2015, as follows:

Jim Hart
Eloy Gaitan
Williams Kherkher Hart Boundas, LLP
8441 Gulf Freeway, Suite 60
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Via Facsimile: (713) 643-6226


Robert L. Ramey